

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

CHRISTIAN HAMPTON
ADC #162105

PLAINTIFF

v.

No. 3:21-cv-77-DPM

MICHAEL COCHRAN,
Sergeant, Grimes Unit

DEFENDANT

ORDER

1. On *de novo* review, the Court adopts Magistrate Judge Kearney's recommendation, Doc. 55, and overrules Hampton's objections, Doc. 56. FED. R. CIV. P. 72(b)(3).

2. Memories fade and vary, but the recording of the incident shows what happened. To the extent the officers' affidavits and Hampton's deposition testimony differ from the recordings, the DVD establishes the undisputed facts. *Scott v. Harris*, 550 U.S. 372, 378–81 (2007). The recordings aren't movie quality; the entire encounter isn't captured in a continuous video from a single camera, and they lack audio. Collectively, however, the recordings make some things clear beyond reasonable dispute:

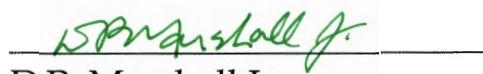
- When two officers attempted to grab Hampton's arms near the barrack stairs, he yanked them away, causing one of the officers to fall;
- Hampton was the aggressor and threw the first punch, hitting Sergeant Cochran in the face;

- Despite the first officers using increased force against him, and additional officers attempting to help get him to submit, Hampton continued to resist; and
- Once Hampton was restrained and placed in a wheelchair, officers escorted him to a separate cell.

Taking the record in the light most favorable to Hampton, there is no jury question for trial. The officers used force to restore order and security after Hampton resisted their initial attempts to restrain him, broke free, and punched an officer. Sergeant Cochran's motion for summary judgment, *Doc. 45*, is therefore granted.

3. Hampton's remaining claim against Sergeant Cochran in his official capacity will also be dismissed with prejudice for lack of an underlying constitutional violation. *Wilson v. Spain*, 209 F.3d 713, 717 (8th Cir. 2000).

So Ordered.


D.P. Marshall Jr.
United States District Judge

8 September 2022